

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

ELLA HARMON AND CHANTEL SMITH : **CIVIL ACTION NO. 07-CV-1990**

VERSUS : **JUDGE MINALDI**

STATE FARM FIRE & CASUALTY COMPANY : **MAGISTRATE JUDGE KAY**

**MOTION TO EXCLUDE THE TESTIMONY AND REPORT
OF KERMITH SONNIER AND COST CONTROL SERVICES, LLC**

NOW INTO COURT, through undersigned counsel, comes defendant, **STATE FARM FIRE & CASUALTY COMPANY**, which moves the Court to exclude the testimony and report of Plaintiff's proffered expert, Kermith Sonnier and Cost Control Services, LLC, pursuant to Fed. R. Evid. 702 and *Daubert v Merrill-Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 113 S.Ct. 2786, 125 L.Ed.2d 469 (1993).

The report and testimony of Kermith Sonnier and Cost Control Services, LLC should be excluded because it is founded on invalid methodology and lacks the requisite reliability.

WHEREFORE, premises considered, defendant, **STATE FARM FIRE & CASUALTY COMPANY**, prays that the Court exclude the opinions and proposed testimony of Kermith Sonnier and Cost Control Services, LLC, from this case pursuant to Fed. R. Evid. 702 and the standards set forth in *Daubert*.

Respectfully submitted,

PLAUCHÉ, SMITH & NIESET
(A Professional Law Corporation)

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**ATTORNEYS FOR DEFENDANT,
STATE FARM FIRE & CASUALTY
COMPANY**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was hand delivered this day to all counsel
and pro se parties of record via the Court's CM/ECF electronic filing system.

Lake Charles, Louisiana, this **23rd** day of **FEBRUARY, 2009**.

/s/ V. Ed McGuire, III
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